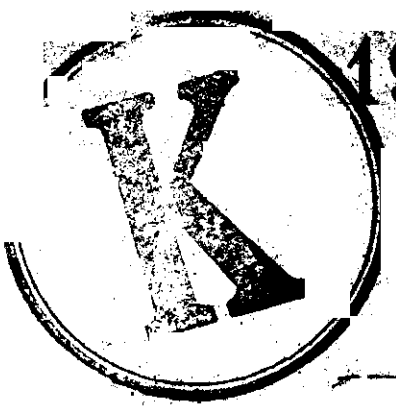


1944

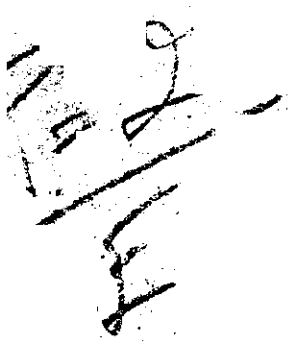
File No. Ferries II/46.

Legal Department

B **BRANCH**

Subject:–

Rules and Notifications under the Ferries Act, 1868.



File No. Ferries II/46.

Gen. 194 c.

302-B

Office of the R.L.A.

New section 14A of the Bombay Ferries and Inland Vessels Act, 1868, corresponds to old section 14 of the Act. The licence form sanctioned in Government Resolution, Public Works Department No.2420/36-II, dated the 27th August 1941, is the one to be issue under old section 14. The latter section has been repealed by Bom. XXI of 1942. Section 14A provides that no person shall convey for hire anypassenger etc. without a special licence granted by an officer empowered by the Provincial Government. Section 17A(2)(a) provides for making rules for licensing vessels plying whether for hire or not, and prescribing the officers by whom and the conditions on which licences for plying such vessels may be granted etc. There is however no provision in this section for imposing any conditions. It is therefore necessary to have recourse to section 17A(2)(a) under which rules can be made for licensing vessels plying for hire under section 14A, and prescribing the officers by whom and the conditions on which such licences may be granted. The form of licence sanctioned under the Government Resolution of 27th August 1941 will not now operate, and the Public Works Department should therefore proceed to make such rules immediately. The rules will have to be published provisionally under section 17A(1) before being made. The draft rules may be shown to the Remembrancer of Legal Affairs when the proposed conditions on page 61 ante will be duly vetted and incorporated in the conditions of the licence.

2. The rule made under section 17A(2)(a) and published in Governmnt Notification, Public Works Department, No 2420/36, dated the 5th June 194 at page 53 provides for officers empowered to grant licences under section 14Ø only. Such officers will not be competent to grant a special licence under section 14A. Separate provision will therefore have to be made in this respect.

Sd/- P.N.Moos
o.c. 19/6/46
Remembrancer of Legal Affairs.

U.R. to P.W.D., No. 4521 dated the 22nd, June 1946

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Office of the R.L.A.

The requisite draft notification embodying the revised rules and the license form is sent herewith.

2. The conditions proposed to be inserted in the license at p 81 ante have been duly embodied in the recis d rules and the license.

3. The proposed condition 11 at p 81 ante has been omitted as being unnecessary, in view of the provisions of section 14E.

4. Since power has been taken under clauses (d) and (f) of section 17A(2) of the Bombay Ferries and Inland Vessels Act, 1868, for prescribing the fares and equipemnt, respectively, clauses (vii) and (vi) of rule 8 in the revised draft have been recast accordingly. The P.W.D. will not doubt consider the question of framing rules in that behalf under celuses (d) and (f) of section 17A(2).

5. The P.W.D. is requested to verity if the revised draft is suitable and carries out its intentions.

6. Para 4 of P.W.D. note on p 88 ante :- In order to empower the officers under section 14C to grant special licenses under section 14A, an amendment of the rule published in G.N., P.W.D., No 2420/36, dated the 5th June 1944 at p 53 ante will be necessary. The requisite draft notification in this behalf is sent herewith.

Sd/- D.V.Vyas

o.c.

Remembrancer of Legal Affairs.

U.R. to P.W.D. No. 9543 dated 30th December 1946.

Mjr/12/7

4 Cs.